

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Erwin Karl Meimer	)	Group Art Unit 3713
			)	
Appl. No.	:	09/921,061	)	I hereby certify that this correspondence and all
			)	marked attachments are being deposited with
Filed	:	August 1, 2001	)	the United States Postal Service as first-class
			)	mail in an envelope addressed to: Assistant
For	:	<b>SYSTEM AND METHOD</b>	)	Commissioner for Patents, Washington, D.C.
		<b>FOR TEACHING</b>	)	20231, on
			)	<u>June 24, 2003</u>
			)	(Date)
			)	<u>Eric M. Nelson</u>
Examiner	:	Kathleen M. Christman	)	Eric M. Nelson, Reg. No. 43,829

DECLARATION OF ERWIN KARL MEIMER UNDER 37 C.F.R. § 1.131

I, Erwin Karl Meimer, declare and state as follows:

1. I am the sole inventor of the invention claimed in the above-captioned patent application.
2. During the time period in which all of the events and activities described herein occurred, I was employed by Total Recall Learning, Inc., the assignee of the above captioned application.
3. All of the events and activities described herein were performed by me personally or were performed under my supervision as part of my duties as an employee of Total Recall Learning, Inc.
4. The invention claimed in the above captioned patent application was conceived and actually reduced to practice prior to March 28, 2000 in the U.S. or a WTO country, as described below:
5. Prior to March 28, 2000, I conceived the invention claimed in the above captioned application. I have conceived of and actually reduced to practice the claimed invention at least as early as October 28, 1999 as evidenced by Exhibits A, B, C and D. Exhibit A contains a copy of an invoice, dated November 4, 1999 and indicating a shipping date of October 28, 1999, evidencing the sale of 5 CD-ROMs of the Marketing Masterfully software application having systems and methods that perform the limitations of the claimed invention. Exhibit B contains a copy of an invoice, dated November 25, 1999 and indicating a shipping date of November 22, 1999, evidencing the sale of 26 Marketing Masterfully CD-ROMs having systems and methods

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that perform the limitations of the claimed invention. Exhibit C contains a copy of two payment checks, dated November 30, 1999 and December 16, 1999, corresponding to the invoices in Appendices A and B. Exhibit D is a directory listing of certain computer files created or modified prior to March 28, 2000 that embody the software application having systems and methods that perform the limitations of the claimed invention.

6. The above-identified Marketing Masterfully CD-ROMs, as sold and delivered, included systems and methods that perform the limitations of the claimed invention as shown to exist by the exhibits in Exhibits A, B, C and D, and that the systems and methods worked for their intended purpose.

### Penalty of Perjury Statement

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Dated: 20-JUN-2003

By: Erwin K. Meimer

Erwin Karl Meimer